

## **REMARKS/ARGUMENTS**

1. The Examiner rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Geiger et al. (U.S. Patent No. 6,250,506) in view of Connelly et al. (Ireland Abstracted Publication No. IE 73466 B) and Hu et al. (U.S. Patent No. 6,382,470). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger et al. in view of Connelly et al. and Hu et al., and further in view of Fazio (U.S. Patent No. 5,284,674). Claims 12, 15, 18, 21, 24, 27, 30, 33, 36, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger et al. in view of Connelly et al. and Hu et al., and further in view of Lonergan (GB Patent No. 2,255,703). Claims 13, 14, 16, 17, 19, 20, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 38, and 39 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reconsideration of this application is respectfully requested in view of the amendments and/or remarks provided herein.

### **Rejections under 35 U.S.C. § 103(a)**

2. Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger et al. ("Geiger") in view of Connelly et al. ("Connelly") and Hu et al. ("Hu"). Applicant disagrees with the Examiner's characterization of independent claims 1-10 of the instant application in view of Geiger, Connelly, and Hu. Nevertheless, in order to move prosecution of the instant application forward, Applicant has herein amended independent claims 1 and 4-10 to incorporate the scorched particle mass limitation of claims 13, 16, 19, 22, 25, 28, 31 and 34, which claims were indicated as being allowable by the Examiner. In other words, claim 1, as amended, is essentially claim 13 re-written in independent form, claim 4, as amended, is essentially claim 16 re-written in independent form, claim 5, as amended, is essentially claim 19 re-written in independent form, claim 6, as amended, is essentially claim 22 re-written in independent form, claim 7, as amended, is essentially claim 25 re-written in independent form, claim 8, as amended, is essentially claim 28 re-written in independent form, claim 9, as amended, is essentially claim 31 re-written in independent form, and claim 10, as amended, is essentially claim 34 re-written in independent form.

Therefore, in view of the foregoing amendments to claims 1 and 4-10, Applicant submits that claims 1-10 are now in proper condition for allowance and respectfully requests that claims 1-10 be passed to allowance.

Claims 2 and 3 depend upon claim 1, which claim has been shown allowable above. Therefore, since claims 2 and 3 each introduce additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that claims 2 and 3 are in proper condition for allowance.

3. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger in view of Connelly and Hu, and further in view of Fazio. Applicant disagrees with the Examiner's characterization of independent claim 11 of the instant application in view of Geiger, Connelly, Hu, and Fazio. Nevertheless, in order to move prosecution of the instant application forward, Applicant has herein amended independent claim 11 to incorporate the particle bulk density and scorched particle mass limitations of claim 38 and intervening claim 36, which claim 38 was indicated as being allowable by the Examiner. In other words, claim 11, as amended, is essentially claim 38 re-written in independent form. Therefore, in view of the foregoing amendment to claim 11, Applicant submits that claim 11 is now in proper condition for allowance and respectfully requests that claim 11 be passed to allowance.

4. Claims 12, 15, 18, 21, 24, 27, 30, 33, 36, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Geiger in view of Connelly and Hu, and further in view of Lonergan. Claim 36 has been cancelled herein and claims 12, 15, 18, 21, 24, 27, 30, 33, and 37 are dependent upon independent claims 1 and 4-11, which claims have been shown allowable above. Therefore, since claims 12, 15, 18, 21, 24, 27, 30, 33, and 37 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicant respectfully submits that claims 12, 15, 18, 21, 24, 27, 30, 33, and 37 are in proper condition for allowance.

#### Allowed Claims

5. Applicant would like to thank the Examiner for indicating the allowability of claims 13, 14, 16, 17, 19, 20, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 38, and 39 if they were


rewritten in independent form including all of the limitations of their base claims and any intervening claims. Applicant has amended independent claims 1 and 4-11 to effectively re-write claims 13, 16, 19, 22, 25, 28, 31, 34, and 38 in independent form. Thus, claims 1 and 4-11, as amended, are allowable. Claims 14, 17, 20, 23, 26, 29, 32, 35, 37, and 39 depend from amended claims 1 and 4-11 and, therefore, are also allowable.

#### Other Amendments to the Claims

6. Applicant has herein amended dependent claims 14, 17, 20, 23, 26, 29, 32, 35, 37, and 39 to correct their respective dependencies in view of the cancellation of claims 13, 16, 19, 22, 25, 28, 31, 34, 36 and 38 and the amendments to claims 1 and 4-11 to incorporate the limitations of claims 13, 16, 19, 22, 25, 28, 31, 34 and 38, respectively. Applicant has also amended claim 3 to correct a minor informality. None of these amendments were intended to narrow the claims in any manner or were made for any purpose related to patentability. In addition, Applicant submits that none of these amendments require any further search or consideration by the Examiner. Applicant submits that all such claim amendments are fully supported by Applicant's originally filed specification.

7. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

By:   
Daniel C. Crilly  
Attorney for Applicant  
Reg. No.: 38,417  
BRINKLEY, MCNERNEY,  
MORGAN, SOLOMON & TATUM, LLP  
200 East Las Olas Blvd., Suite 1900  
Ft. Lauderdale, FL 33301  
Phone: (954) 522-2200/Fax: (954) 522-9123  
Email: [dcc@brinkleymcnerney.com](mailto:dcc@brinkleymcnerney.com)